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UNDER

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Prob12C
D/NV Form
Rev. Mar. 2007

United States District Court
for
the District of Nevada

PETITION FOR SUMMONS
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **LARRY MILLER**

Case Number: **2:09CR00006-RLH-PAL**

Name of Sentencing Judicial Officer: Honorable Roger L. Hunt

Date of Original Sentence: December 20, 1999

Original Offense: Conspiracy to Commit Money Laundering

Original Sentence: 210 months custody, three (3) years supervised release

Date of Amended Sentence: November 3, 2008

Amended Sentence: Time served, three (3) years supervised release

Date Supervision Commenced: November 4, 2008

Date Jurisdiction Transferred to District of Nevada: January 14, 2009

PETITIONING THE COURT

___ To issue a warrant

✓ To issue a summons

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **You shall be prohibited from incurring new credit charges, opening additional lines of credit, or negotiating or consummating any financial contracts without the approval of the probation officer.**

   According to Mr. Miller, he opened up a new line of credit at Kohl's Department Store. He stated that he returned to the store approximately two weeks later and paid the bill and closed the account. This line of credit has not yet been reported on his credit report

RE: LARRY MILLER

2. **The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.**

Mr. Miller has been communicating with Mr. Tavano, a co-defendant in this case, without the approval of the probation office. Mr. Miller has also been attempting to collect "old debts" and the probation office is unsure of the extent of his contact with other known felons.

U. S. Probation Officer Recommendation:

The term of supervision should be:

_✓_ The conditions of supervision should be modified as follows:

3. **You shall submit to the search of your person, property, residence or automobile under your control by the probation officer or any other authorized person under the immediate and personal supervision of the probation officer, without a search warrant to ensure compliance with all conditions of release.**

4. **You shall provide the probation officer with accurate information regarding your entire computer system, including all related digital devices with memory and all passwords and internet service providers; you shall allow the installation of any software/hardware on your computer by the probation officer, and you shall abide by all rules of the Computer Restriction and Monitoring Programs Agreement.**

I declare under penalty of perjury that the information contained herein is true and correct.

Executed on February 25, 2009.

DORIS NAGAZYNA
United States Probation Officer

APPROVED:

NANCY M. BOULTON
Supervising United States Probation Officer

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Rev. Mar. 2007

RE: LARRY MILLER

THE COURT ORDERS:

______ No action

______The issuance of a warrant

__X__ The issuance of a summons

______ Other

Signature of Judicial Officer

March 3, 2009

Date

Prob12C
D/NV Form
Rev. Mar. 2007

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. LARRY MILLER, 2:09CR00006-RLH-PAL

SUMMARY IN SUPPORT OF PETITION FOR SUMMONS
February 25, 2009

On December 20, 1999, Mr. Larry Miller was sentenced by the Honorable Thomas J. McAvoy, Senior United States District Judge in the Northern District of New York, Syracuse. He was sentenced to 210 months custody, followed by a three-year term of supervised release, after having pleaded guilty to Conspiracy to Commit Money Laundering. On November 3, 2008, Mr. Miller received a Reduction of Sentence for Changed Circumstances based on his ill-health. Mr. Miller commenced his term of supervised release on November 4, 2008, in the District of Nevada, Las Vegas. On January 14, 2009, Your Honor accepted jurisdiction of this matter.

On November 25, 2008, during a routine home inspection, this officer observed the name Tavano on the offender's email contact list. Further investigation revealed that Tavano is a co-defendant in his case and he was not approved to associate with the same. During this visit, Mr. Miller explained that he wanted to relocate to New York in order to get back in the cigarette business as this is the only business he knows. He also stated that numerous individuals owe him money and that he would like to collect the monies owed to him. This officer explained that he could not consummate any financial contracts without the approval of the probation office and that he would have to probably chalk these "loans" up as a loss.

Over the past couple of months, this officer has had contact with the Northern District of New York. It was explained that there is one business up in Massena, New York that operates legally within the requirements of Alcohol, Tobacco, and Firearms (ATF). Due to Mr. Miller's extensive criminal activity and the involvement in the instant offense, they do not believe he would be eligible to be hired in this field. As this officer had already initiated transfer of jurisdiction in this matter, Mr. Miller was not eligible to return to New York. Furthermore, New York explained that Mr. Miller would have to submit a proposal to relocate back to their district.

Mr. Miller is adamant that he needs to secure employment as he does not even have the financial resources to seek the required medical care that he needs. However, it does not appear as though Mr. Miller has any legitimate employment opportunities in Massena, New York. Additionally, Mr. Miller has been attempted to locate old "associates" and either collect old debts or secure employment in the tobacco industry which is laced with corruption in the Massena, New York area.

Due to Mr. Miller's extensive criminal history, his recent ties to "old associates", attempts to collect on old debts, questionable finances, and him actively seeking employment in the sales of tobacco, the probation office is requesting that Mr. Miller's conditions of supervision be modified to include warrantless search and computer restriction and monitoring. Mr. Miller stated that he would agree to the modification for warrantless search but does not want to sign a modification for computer restriction and monitoring. Therefore, we would respectfully request that a summons be issued in order to have this matter placed before the Court. Additionally, we would respectfully recommend that Mr. Miller's alcohol / substance abuse treatment condition be placed in abeyance. Mr. Miller completed a Substance Abuse Subtle Screening

RE: LARRY MILLER

Inventory (SASSI) which revealed low probability of substance dependence. He is further limited to participation in treatment based on his use of a one-way tracheostomy valve device.

Respectfully submitted,

DORIS NAGAZYNA
United States Probation Officer

APPROVED:

NANCY M. BOULTON
Supervising United States Probation Officer

AO 245C NNY(Rev. 10/05) Amended Judgment in a Criminal Case (NOTE: Identify Changes with Asterisks (*))
Sheet 1

UNITED STATES DISTRICT COURT

Northern District of New York

UNITED STATES OF AMERICA
V.
Larry Miller

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: DNYN597CR000199-001
USM Number: 21987-048
Kevin McCormick, Esq., 333 E. Onondaga St., Suite 301, Syracuse, New York 13202 (315) 478-0933
Defendant's Attorney

Date of Original Judgment: December 21, 1999
(Or Date of Last Amended Judgment)

Reason for Amendment:

☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
X Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
☐ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
☐ Direct Motion to District Court Pursuant ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)
☐ Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

X pleaded guilty to count(s) 3 of Superseding Indictment on November 4, 1998
☐ pleaded nolo contendere to count(s) ______ which was accepted by the court.
☐ was found guilty on count(s) ______ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 1956(h)	Conspiracy to Commit Money Laundering	10/01/1996	3

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed in accordance with 18 U.S.C. § 3553 and the Sentencing Guidelines.

☐ The defendant has been found not guilty on count(s) ______

X Count(s) 1 and 2 ☐ is X are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

November 3, 2008
Date of Imposition of Amended Judgment

RECEIVED
NOV 0[illegible]
U.S. PROBATION [illegible]
SYRACUSE

Thomas J. McAvoy
Thomas J. McAvoy
Senior, U.S. District Judge

November 3, 2008
Date

TTN/cml

DEFENDANT: Larry Miller
CASE NUMBER: DNYN597CR000199-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

*** time served**

X The court makes the following recommendations to the Bureau of Prisons:

That the defendant be designated at a facility as close to his family located in Las Vegas, Nevada as possible.

X The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ____________ ☐ a.m. ☐ p.m. on ____________ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on ____________ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on ____________ to ____________

at ____________ , with a certified copy of this judgment.

____
UNITED STATES MARSHAL

By ____________
DEPUTY UNITED STATES MARSHAL

AO 245C NNY(Rev. 10/05) Amended Judgment in a Criminal Case
Sheet 3 — Supervised Release (NOTE: Identify Changes with Asterisks (*))

DEFENDANT: Larry Miller
CASE NUMBER: DNYN597CR000199-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:

3 years

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

X The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Deselect, if inapplicable.)

☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;

2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;

3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

4) the defendant shall support his or her dependents and meet other family responsibilities;

5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;

6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;

7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;

8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;

10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;

11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;

13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement; and

14) the defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

AO 245C NNY(Rev. 10/05) Amended Judgment in a Criminal Case
Sheet 3C — Supervised Release (NOTE: Identify Changes with Asterisks (*))

DEFENDANT: Larry Miller
CASE NUMBER: DNYN597CR000199-001

SPECIAL CONDITIONS OF SUPERVISION

Defendant shall participate in alcohol and drug testing as directed by the probation officer.

Defendant shall submit to a substance abuse evaluation and complete treatment as directed by the probation officer. Defendant shall contribute to the cost of services rendered (co-pay) in an amount to be determined by the probation officer based upon ability to pay or availability of third party payments.

Defendant shall provide the probation officer with access to any requested financial information.

Defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.

As directed by the probation officer, defendant shall notify 3rd party of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT'S ACKNOWLEDGMENT OF APPLICABLE CONDITIONS OF SUPERVISION

Upon a finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision.

The conditions of supervision have been read to me. I fully understand the conditions and have been provided a copy of them.

_______________________________ _______________________________
Defendant Date

_______________________________ _______________________________
U.S. Probation Officer/Designated Witness Date

AO 245C NNY(Rev. 10/05) Amended Judgment in a Criminal Case
Sheet 5 — Criminal Monetary Penalties (NOTE: Identify Changes with Asterisks (*))

DEFENDANT: Larry Miller
CASE NUMBER: DNYN597CR000199-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Fine	Restitution
TOTALS	$ 100.00	$ 20,000.00	$ N/A

☐ The determination of restitution is deferred until ________. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(I), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
TOTALS	$ ________	$ ________	

☐ Restitution amount ordered pursuant to plea agreement $ ________

☐ The defendant must pay interest on restitution and a fine of more than $2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

AO 245C NNY(Rev. 10/05) Amended Judgment in a Criminal Case
Sheet 6 — Schedule of Payments (NOTE: Identify Changes with Asterisks (*))

DEFENDANT: Larry Miller
CASE NUMBER: DNYN597CR000199-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A X In full immediately; or

B ☐ Lump sum payment of $ __________ due immediately, balance due

☐ not later than ______________, or
☐ in accordance with ☐ D, ☐ E, ☐ F, or ☐ G below; or

C ☐ Payment to begin immediately (may be combined with ☐ D, ☐ E, or ☐ G below); or

D ☐ Payment in equal __________ (e.g., weekly, monthly, quarterly) installments of $ __________ over a period of __________ (e.g., months or years), to commence __________ (e.g., 30 or 60 days) after the date of this judgment; or

E ☐ Payment in equal __________ (e.g., weekly, monthly, quarterly) installments of $ __________ over a period of __________ (e.g., months or years), to commence __________ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

F ☐ Payment during the term of supervised release will commence within __________ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

G ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to **Lawrence K. Baerman, Clerk, U.S. District Court, Federal Bldg., P.O. Box 7367, 100 S. Clinton Street, Syracuse, N.Y. 13261-7367**, unless otherwise directed by the court, the probation officer, or the United States attorney. If a victim cannot be located, the restitution paid to the Clerk of the Court for that victim shall be sent to the Treasury, to be retrieved if and when the victim is located.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

☐ Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future.

☐ The defendant shall pay the cost of prosecution.

☐ The defendant shall pay the following court cost(s):

X The defendant shall forfeit the defendant's interest in the following property to the United States:

pursuant to the Superseding Indictment, defendant shall forfeit to the United States his interest in the personal and real property of his interest in $79,672,469.42, including each of the assets listed in the Forfeiture Allegations I and II of the Superseding Indictment, with the exception noted in the plea agreement.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal,(5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

AO83 (Rev. 10/03) Summons in a Criminal Case

UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA
v.

Larry Miller
5837 N. El Capitan Way
Las Vegas, NV 89149-3311

SUMMONS IN A CRIMINAL CASE

Case Number: 2:09-CR-006-RLH-PAL

YOU ARE HEREBY SUMMONED to appear before the United States District Court at the place, date and time set forth below.

Place: Lloyd D. George U.S. Courthouse 333 S. LasVegas Blvd. Las Vegas, NV 89101	Room:
Before:	Date and Time:

To answer a(n)

- [ ] Indictment
- [ ] Information
- [ ] Complaint
- [ ] Probation Violation Petition
- [x] Supervised Release Violation Petition
- [ ] Violation Notice

Charging you with a violation of Title 18 United States Code, Section(s) 3583

Brief description of offense: Violation of Conditions of supervised release.

Signature of Issuing Officer

Date

Name and Title of Issuing Officer

AO83 (Rev. 10/03) Summons in a Criminal Case

RETURN OF SERVICE

Service was made by me on:[1]

Date

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant at:

☐ Left summons at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein and mailed a copy of the summons to the defendant's last known address.
Name of person with whom the summons was left:

☐ Returned unexecuted:

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service is true and correct.

Returned on ______________________ ______________________

Date Name of United States Marshal

____

(by) Deputy United States Marshal

Remarks:

[1] As to who may serve a summons, see Rule 4 of the Federal Rules of Criminal Procedure.